

REMARKS/ARGUMENTS

Claims 11-14, 17, 19, 20, 22-24, 38, 39 and 41 remain in the present application, of which claims 11, 38, 39 and 41 are independent. Claims 11, 38, 39 and 41 are amended herein to incorporate the features of claim 18. Claim 17 has been amended for clarity. Claim 18 has been canceled. No new matter has been added. Applicant respectfully requests reconsideration and allowance of claim 11-14, 17, 19, 20, 22-24, 38, 39 and 41.

Rejection of Claims 11-14, 17-20, 24 and 39 under 35 U.S.C. § 103(a)

Claims 11-14, 17-20, 24 and 39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kweon et al. (U.S. Patent 6,183,911, "Kweon") in view of Gao et al. (U.S. Patent Pub. No. 2002/0127175, "Gao") in view of JP 11-097027. Applicant traverses this rejection.

Independent claim 11 now recites, in relevant portion, "wherein the surface treatment layer includes a coating element included in a hydroxide, oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof, wherein when the surface treatment layer includes the coating element included in the oxyhydroxide, oxycarbonate, hydroxycarbonate or the mixture thereof, the coating element is selected from the group consisting of Mg, Al, Co, K, Na, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof, wherein when the surface treatment layer includes the coating element included in the hydroxide, the coating element is selected from the group consisting of Mg, Al, Co, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof."

The Office action states that "JP 11-097027 teaches a nonaqueous secondary battery having a positive electrode with a sheathing layer thereon (see abstract). Among other materials, the layer may comprise a hydroxide of an alkali metal (see [0011] of the machine translation). (07/13/2010 Office action page 3). As such, JP 11-097027 fails to disclose, teach or suggest a surface treatment layer including a coating element included in a oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof, as claimed in claim 11. JP 11-097027 also fails to disclose, teach or suggest a surface treatment layer including a coating element included in a

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hydroxide wherein the coating element is selected from the group consisting of Mg, Al, Co, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof, as claimed in claim 11.

The Advisory action states that "a skilled artisan would be motivated to replace the vanadium pentoxide of Kweon et al. with the hydroxide material of JP '027." (September 22, 2010 Advisory action). Applicant submits that since JP 11-097027 fails to disclose any of the hydroxide, oxyhydroxide, oxycarbonate or hydroxycarbonate materials claimed in claim 11, the combination of Kweon and JP 11-097027 would still fail to disclose, teach or suggest the method as claimed in claim 11. Gao fails the remedy the deficiencies of Kweon and JP 11-097027, so there is no apparent reason why a person having ordinary skill in the art would have combined the cited references to arrive at the claimed embodiments of claim 11. Therefore, Applicant requests that the rejection of claim 11 be withdrawn and that this claim be allowed for at least this reason.

Because claims 12-14, 17, 19, 20 and 24 depend, directly or indirectly, from claim 11, they each incorporate all the terms and limitations of claim 11 in addition to other limitations, which together further patentably distinguish these claims over the art of record when considered as a whole. Therefore, Applicant respectfully requests that the rejection of claims 12-14, 17, 19, 20 and 24 be withdrawn and that these claims be allowed.

Claim 39 now recites, in relevant portion, "wherein the surface treatment layer includes a coating element included in a hydroxide, oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof, wherein when the surface treatment layer includes the coating element included in the oxyhydroxide, oxycarbonate, hydroxycarbonate or the mixture thereof, the coating element is selected from the group consisting of Mg, Al, Co, K, Na, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof, wherein when the surface treatment layer includes the coating element included in the hydroxide, the coating element is selected from the group consisting of Mg, Al, Co, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof."

For substantially the same reasons as given above in reference to claim 11, Kweon, even in view of Gao and JP 11-097027, fails to disclose, teach or suggest the above limitation of claim 39, and there is no apparent reason why one skilled in the art would have arrived at the claimed

embodiment by combining Kweon, Gao and JP 11-097027. Therefore, claim 39 would not have been obvious over Kweon in view of Gao and JP 11-097027 at the time the invention was made. Applicant requests that the rejection of claim 39 be withdrawn and that this claim be allowed.

Rejection of Claims 22, 23 and 38 under 35 U.S.C. § 103(a)

Claims 22, 23 and 38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kweon in view of Gao in view of JP 11-097027 and in further view of Maegawa et al. (U.S. Patent No. 6,383,235, "Maegawa").

Independent claim 38 now recites, in relevant portion, "wherein when the surface treatment layer includes the coating element included in the oxyhydroxide, oxycarbonate, hydroxycarbonate or the mixture thereof, the coating element is selected from the group consisting of Mg, Al, Co, K, Na, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof, wherein when the surface treatment layer includes the coating element is included the hydroxide, the coating element is selected from the group consisting of Mg, Al, Co, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof."

As stated above in reference to claims 11 and 39, Kweon, even in view of Gao and JP 11-097027, fails to disclose, teach or suggest a surface treatment layer including a coating element included in a oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof, or a surface treatment layer including a coating element included in a hydroxide wherein the coating element is selected from the group consisting of Mg, Al, Co, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof, as claimed in claim 38. Maegawa fails to remedy the deficiencies of Kweon, Gao and JP 11-097027. Since there is no apparent reason why a person having ordinary skill in the art would have combined the cited references to arrive at the claimed embodiment of claim 38, Applicant requests that the rejections of claim 38 also be withdrawn for reasons as stated above in reference to claims 11 and 39 and that this claim be allowed.

Because claims 22 and 23 depend from claim 11, they each incorporate all the terms and limitations of claim 11 in addition to other limitations, which together further patentably distinguish these claims over the art of record when considered as a whole. Therefore, Applicant

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respectfully requests that the rejection of claims 22 and 23 be withdrawn and that these claims be allowed.

Rejection of Claim 41 under 35 U.S.C. § 103(a)

Claim 41 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kweon in view of Gao in view of JP 11-097027 and in further view of Shindo et al. (U.S. Patent No. 6,045,947, "Shindo").

Independent claim 41 now recites, in relevant part, "wherein when the surface treatment layer includes the coating element included in the oxyhydroxide, oxycarbonate, hydroxycarbonate or the mixture thereof, the coating element is selected from the group consisting of Mg, Al, Co, K, Na, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof, wherein when the surface treatment layer includes the coating element is included the hydroxide, the coating element is selected from the group consisting of Mg, Al, Co, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof."

As stated above in reference to claims 11 and 39, Kweon, even in view of Gao and JP 11-097027, fails to disclose, teach or suggest a surface treatment layer including a coating element included in a oxyhydroxide, oxycarbonate, hydroxycarbonate or a mixture thereof, or a surface treatment layer including a coating element included in a hydroxide wherein the coating element is selected from the group consisting of Mg, Al, Co, Ca, Si, Ti, Sn, B, Ge, Ga, B, As, Zr, and a mixture thereof, as claimed in claim 41. Shindo fails to disclose, teach or suggest a coated lithiated compound at all and therefore fails to remedy the deficiencies of Kweon, Gao and JP 11-097027. Also, since there is no apparent reason why a person having ordinary skill in the art would have combined the cited references to arrive at the claimed embodiment of claim 41, Applicant requests that the rejection of claims 41 be withdrawn for reasons as stated above in reference to claims 11 and 39 and that this claims be allowed.


Concluding Remarks

In view of the foregoing amendments and remarks, Applicants earnestly solicit a timely issuance of a Notice of Allowance with claims 11-14, 17, 19, 20, 22-24, 38, 39 and 41. If there

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are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call Applicants' attorney at the number listed below.

Respectfully submitted,
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